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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 IVAN HUERTA VALENCIA,

8 Plaintiff,

9 v.

10 TIMOTHY N. THOMPSON, et al.,

11 Defendants.

NO. 1:18-CV-3007-TOR

ORDER DENYING PLAINTIFF'S
REQUEST FOR ENTRY OF
DEFAULT JUDGMENT

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13 BEFORE THE COURT is Plaintiff's Request for Entry of Default
14 Judgment. ECF No. 6. This matter was submitted for consideration without oral
15 argument. The Court has reviewed the record and files herein, and is fully
16 informed.

17 On January 25, 2018, Plaintiff Ivan Huerta Valencia, proceeding *pro se*,
18 filed the Complaint alleging a 42 U.S.C. § 1983 claim against Timothy N.
19 Thompson and other unnamed Defendants. ECF Nos. 1; 4. Plaintiff filed a
20 Waiver of the Service of Summons with the printed name of Timothy N.

ORDER DENYING PLAINTIFF'S REQUEST FOR ENTRY OF DEFAULT
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1 Thompson, but the waiver was not signed. ECF No. 1-2. The waiver states that
2 Defendant Thompson “must file and serve an answer or a motion under Rule 12
3 within 60 days from 01/25/2018.” *Id.*

4 In the instant motion, Plaintiff requests default judgment against Defendant
5 Thompson and “any and all aliases or DOE defendant entities which may be used,
6 or in use, by Mr. Thompson” ECF No. 6 at 1. Plaintiff asserts that Defendant
7 Thompson is in default of the time period specified for him to answer Plaintiff’s
8 Complaint. *Id.* Plaintiff states that Defendant Thompson had 21 days to answer,
9 which expired on February 16, 2018. *Id.* Plaintiff sent a copy of his request to
10 Defendant Thompson’s alleged address. *Id.* at 2.

11 The Court finds that Defendant Thompson would have been required to
12 answer the Complaint by March 26, 2018, which is 60 days from January 25, 2018.
13 *See* ECF No. 1-2. Yet, Defendant Thompson is not required to respond because
14 there is no evidence that he waived service. Defendant Thompson did not sign the
15 waiver nor does Plaintiff provide any other evidence that Defendant Thompson
16 was served with the Complaint.

17 The Court denies Plaintiff’s Request for Entry of Default Judgment (ECF
18 No. 6) as Defendant Thompson has not been properly served. The Court instructs
19 Plaintiff to serve Defendants pursuant to Federal Rule of Civil Procedure 4. The
20 Court notes that a defendant must be served within 90 days after the complaint is

1 filed or plaintiff must show good cause for the failure to timely serve. Fed. R. Civ.
2 P. 4(m).

3 **ACCORDINGLY, IT IS HEREBY ORDERED:**


4 Plaintiff's Request for Entry of Default Judgment (ECF No. 6) is **DENIED**.

5 The District Court Executive is directed to enter this Order and furnish
6 copies to the parties.

7 **DATED** April 3, 2018.



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THOMAS O. RICE
Chief United States District Judge